

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

ELEVENTH DAY — MONDAY, JUNE 20, 2011

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 116).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Castro; Keffer; Mallory Caraway; Taylor, L.; Woolley.

The invocation was offered by Representative P. King.

The speaker recognized Representative Lavender who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today, tomorrow, and Wednesday, June 22, because of a death in the family:

Keffer on motion of Aycock.

The following member was granted leave of absence for today because of important business in the district:

Mallory Caraway on motion of Gonzalez.

The following member was granted leave of absence for today because of personal business:

L. Taylor on motion of Crownover.

The following member was granted leave of absence for today because of important business:

Castro on motion of Walle.

The following member was granted leave of absence for today and the remainder of the week because of important business:

Woolley on motion of Geren.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Farias on motion of Deshotel.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 26 ON THIRD READING
(by Madden)**

HB 26, A bill to be entitled An Act relating to the containment of costs incurred in the correctional health care system.

Amendment No. 1

Representative Madden offered the following amendment to **HB 26**:

Amend **HB 26** on third reading by striking the second reading amendment by Brown, as amended, and substituting the following:

Amend **HB 26** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 501.147(d), Government Code, is amended to read as follows:

(d) Notwithstanding Subsection (c) or any other provision of this subchapter [~~For services that the public medical schools and their components and affiliates cannot provide~~], the department may [~~committee shall~~] initiate a competitive bidding process for contracts [~~with other providers~~] for medical care to persons confined by the department.

SECTION _____. (a) The change in law made by this Act to Section 501.147(d), Government Code, does not affect a contract executed before the effective date of this Act. Such a contract is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The amendment of Section 501.147(d), Government Code, by this Act, prevails over any conflicting amendment of that section by **SB 1** of the 82nd Legislature, First Called Session, 2011, regardless of the relative dates of enactment.

Amendment No. 1 was adopted.

HB 26, as amended, was passed by (Record 117): 124 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Burnam; Davis, Y.; Dukes; Gallego; Giddings; Gutierrez; Hernandez Luna; Hochberg; Johnson; Naishtat; Reynolds; Turner.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Farias; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Coleman; Eiland; King, S.; McClendon; Veasey.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 20 ON SECOND READING (by Huberty)

HB 20, A bill to be entitled An Act relating to notice required for termination of a teacher's probationary contract or nonrenewal of a teacher's term contract.

HB 20 was read second time on June 14 and was postponed until 9 a.m. June 17.

Representative Huberty moved to postpone consideration of **HB 20** until 10 a.m. Wednesday, June 22.

The motion prevailed.

HB 21 ON SECOND READING (by Shelton)

HB 21, A bill to be entitled An Act relating to the reduction in force of teachers employed by a school district.

HB 21 was read second time on June 14 and was postponed until 9 a.m. June 17.

Representative Shelton moved to postpone consideration of **HB 21** until 10 a.m. Wednesday, June 22.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**HB 79 ON SECOND READING
(by Lewis and Jackson)**

HB 79, A bill to be entitled An Act relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

(Huberty in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Phillips on motion of Geren.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 1).

HB 79 - (consideration continued)

Amendment No. 1

Representative Lewis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 143, line 13, through page 146, line 10, and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Smithee on motion of Hopson.

INTRODUCTION OF GUESTS

The speaker recognized Representative Workman who introduced members and coaches of the Texas A&M University men's and women's track and field teams.

HR 141 - ADOPTED (by Dukes)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 141**.

The motion prevailed.

The following resolution was laid before the house:

HR 141, Congratulating the Texas A&M University men's and women's track and field teams on winning national titles at the NCAA Division I Outdoor Track and Field Championships for the third consecutive year.

HR 141 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 141** as signers thereof.

HB 79 - (consideration continued)

Amendment No. 2

Representative Lucio offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) as follows:

- (1) On page 15, line 19, strike "may" and substitute "shall".
- (2) On page 15, line 21, strike "court coordinator or administrative assistant," and substitute "court coordinator, administrative assistant, and court reporter, and clerks and bailiffs,".
- (3) On page 15, line 25, between "sheriffs," and "and", insert "bailiffs,".

Representative Lewis moved to table Amendment No. 2.

The motion to table prevailed by (Record 118): 88 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, V.; Torres; Truitt; White; Workman; Zedler; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Burnam; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Johnson; King, T.; Kolkhorst; Lozano; Lucio; Marquez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Oliveira; Peña; Quintanilla; Reynolds; Rodriguez; Sheets; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Farias; Keffer; Mallory Caraway; Phillips; Smithee; Taylor, L.; Woolley.

Absent — Coleman; Garza; Hughes; Legler; Martinez.

Amendment No. 3

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 17, line 7, through page 18, line 6, and renumbering subsequent SECTIONS of the ARTICLE accordingly.

Amendment No. 3 was withdrawn.

HB 79 - POINT OF ORDER

Representative Lucio raised a point of order against further consideration of **HB 79**.

The speaker overruled the point of order.

Amendment No. 4

Representative R. Anderson offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 45, line 10, through page 49, line 23, and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

(Aycock in the chair)

Representative Lewis moved to table Amendment No. 4.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HB 79 - (consideration continued)

The outcome of the motion to table Amendment No. 4 could not be determined (a quorum not being present) by (Record 119): 42 Yeas, 54 Nays, 3 Present, not voting.

Yeas — Aliseda; Branch; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Eiland; Frullo; Gooden; Hardcastle; Harper-Brown; Howard, D.; Huberty; Jackson; Johnson; Kuempel; Larson; Laubenberg; Lewis; Madden; Margo; Miller, D.; Murphy; Naishtat; Orr; Otto; Parker; Pitts; Price; Raymond; Scott; Sheets; Shelton; Smith, W.; Strama; Taylor, V.; Veasey; Walle; Workman.

Nays — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Burkett; Burnam; Callegari; Carter; Deshotel; Dutton; Fletcher; Geren; Gonzales, L.; Gonzalez; Gutierrez; Hamilton; Hancock; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Hughes; Hunter; Isaac; King, P.; King, T.; Landtroop; Lavender; Legler; Lozano; Lucio; McClendon; Menendez; Morrison; Muñoz; Oliveira; Paxton; Perry; Pickett; Quintanilla; Ritter; Schwertner; Simpson; Smith, T.; Solomons; Thompson; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Aycock(C); Nash.

Absent, Excused — Castro; Farias; Keffer; Mallory Caraway; Phillips; Smithee; Taylor, L.; Woolley.

Absent — Allen; Bohac; Bonnen; Brown; Button; Cain; Christian; Coleman; Davis, J.; Davis, Y.; Driver; Dukes; Eissler; Elkins; Farrar; Flynn; Gallego; Garza; Giddings; Gonzales, V.; Guillen; Howard, C.; King, S.; Kleinschmidt; Kolkhorst; Lyne; Marquez; Martinez; Martinez Fischer; Miles; Miller, S.; Patrick; Peña; Reynolds; Riddle; Rodriguez; Sheffield; Torres; Truitt; Turner; Villarreal; Vo; Zerwas.

STATEMENTS OF VOTE

When Record No. 119 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 119 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 119 was taken, my vote failed to register. I would have voted no.

Kolkhorst

When Record No. 119 was taken, I was in the house but away from my desk. I would have voted no.

Rodriguez

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, during lunch recess tomorrow, Representative McClendon's desk, to set a calendar.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Bonnen on motion of Aycock.
Brown on motion of Aycock.
Button on motion of D. Miller.
Cain on motion of Aycock.
Christian on motion of Aycock.
J. Davis on motion of Hopson.
Driver on motion of Aycock.
Dukes on motion of McClendon.
Flynn on motion of Aycock.
Gallego on motion of Hochberg.
Garza on motion of Simpson.
Giddings on motion of Aycock.
V. Gonzales on motion of D. Howard.
Hartnett on motion of Weber.
C. Howard on motion of W. Smith.
Lyne on motion of Hardcastle.
Martinez on motion of Muñoz.
Martinez Fischer on motion of Aycock.
S. Miller on motion of Callegari.
Miles on motion of Aycock.
Patrick on motion of Aycock.
Truitt on motion of Aycock.
Turner on motion of Aycock.
Villarreal on motion of Aycock.
Zerwas on motion of Hamilton.

ADJOURNMENT

Representative Lucio moved that the house adjourn until 11 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 3:51 p.m., adjourned until 11 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 1**SCR 1****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, June 20, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 3 Duncan SPONSOR: Perry
In memory of Stacy Richards Furdek of Lubbock.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 4 (19 Yeas, 12 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 6
Senate Conferees with Instructions: Shapiro - Chair/Harris/Nelson/Patrick/Van de Putte

SB 8
Senate Conferees with Instructions: Shapiro - Chair/Duncan/Nelson/Patrick/Seliger

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 16

Culture, Recreation, and Tourism - **HCR 14**

ENGROSSED

June 16 - HB 5

June 17 - HB 3